Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

4d. Fax No.

File an original of this charge with NLRB Regional	Director in which the alleged unfair labor practice of	ccurred or is occurring.	
1.	EMPLOYER AGAINST WHOM CHARGE IS BROU	GHT	
a. Name of Employer	-	b. Tel. No.	
United States Postal Service		612 349 4400	
		c. Cell No.	
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.	
6101 W Old Shakopee Rd	1		
Minneapolis, MN 55438		g. e-Mail	
		h. Dispute Location (City and State)	
]		Bloomington, MN	
i. Type of Establishment (factory, nursing home,	j. Principal Product or Service	k. Number of workers at dispute location	
hotel)	Tak in E. In	* *	
Post Office	Mail Delivery		
I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Since about (b) (6), (b) (7)(C) 2010, the Employer has retalisted against me because of my protected			
Since about (b) (6), (b) (7)(C) 2019, the Employer has retaliated against me because of my protected			
concerted activity by not paying me wages owed to me for my fitness-for-duty test.			
	· · · · · · · · · · · · · · · · · · ·		
3 (b) (6), (b) (7)(C) g charge (if labor organization, give full name, including local name and number)			
40 Address (street and number sity state and 7)	P code)	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)		(b) (b), (b) (1)(c)	
(\mathbf{b}) (\mathbf{b}) , (\mathbf{b}) (\mathbf{i})		4c. Cell No.	

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

	,
6. DECLARATION	(b) (6), (b) (7)(C)
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
(b) (6) (b) (7) (C)	Office, if any, Cell No.
(sign harge) Print Name and Title	Fax No.
(b) (6), (b) (7)(C) Date: 11 MAY 2020	a Mail
(b) (6), (b) (7)(c) (O), (D) (7)(C)	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

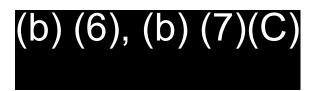


UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 18 Federal Office Building 212 Third Avenue South, Suite 200 Minneapolis, MN 55401-2657

Agency Website: www.nlrb.gov Telephone: (612)348-1757 Fax: (612)348-1785 Download NLRB Mobile App

May 14, 2020



Re: UNITED STATES POSTAL SERVICE Case 18-CA-260382

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on May 14, 2020 has been docketed as case number 18-CA-260382. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOSEPH BORNONG whose telephone number is (952)703-2895. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952)703-2894.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody

or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL

Gennels Hadrall

Regional Director



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 18 Federal Office Building 212 Third Avenue South, Suite 200 Minneapolis, MN 55401-2657



Download NLRB Mobile App

May 14, 2020

Fax: (612)348-1785

Agency Website: www.nlrb.gov

Telephone: (612)348-1757

RODERICK D. EVES, DEPUTY MANAGING COUNSEL UNITED STATES POSTAL SERVICE 1720 MARKET ST. RM 2400, LAW DEPARTMENT - NLRB UNIT SAINT LOUIS, MO 63155-9948

Re: UNITED STATES POSTAL SERVICE

Case 18-CA-260382

Dear Mr. Eves:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL

Jennels Hadrall

Regional Director

Enclosure: Copy of Charge

cc: UNITED STATES POSTAL SERVICE

6101 W. OLD SHAKOPEE RD BLOOMINGTON, MN 55438-9998



May 15, 2020

Joseph Bornong, Field Attorney National Labor Relations Board, Region 18 212 Third Ave., South, Suite 200 Minneapolis, MN 55401-2657 **VIA E-MAIL**

RE: UNFAIR LABOR PRACTICE CHARGE

Minneapolis, MN 55438 Case No.: 18-CA- 260382 Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Bornong:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Julie Hellerud of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Julie Hellerud at the address below. Additionally, Julie Hellerud may be reached at (303) 313-5572 or via email at julie.a.hellerud@usps.gov.

Very truly yours,

Roderick D. Eves

Deputy Managing Counsel